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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/067,843

02/08/2002

Kenji Iwano

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08/25/2006

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

TOMASZEWSKI, MICHAEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/067,843	<b>Applicant(s)</b> IWANO ET AL.	
	<b>Examiner</b> Mike Tomaszewski	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/6/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Notice To Applicant***

1. This communication is in response to the application filed on 7/6/2006. Claim 2 is cancelled. Claims 1 and 3-9 amended. Claims 10-17 are newly added. Claims 1 and 3-17 remain pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (6,283,761; hereinafter Joao), in view of Jemes et al. (US 2001/0037384; hereinafter Jemes).

(A) As per currently amended claim 1, Joao discloses a medical information system comprising:

- (1) a patient server operable to receive vital information, retain the received vital information, and transmit the retained vital information (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);
- (2) a medical care provider server connected to said patient server through a first network, said medical care provider server being operable to receive the vital information from said patient server through the first network, retain the received vital information, allow the retained vital information to be browsed (Joao: col. 12, lines 50-67; col. 13, lines 1-7 and 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);
- (3) a patient terminal connected to said patient server through a network, said patient terminal being operable to transmit the vital information to said patient server through the network (Joao: col. 12, lines 50-57; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1); and
- (4) a doctor terminal connected to said medical care provider server through a network, said doctor terminal being operable to browse the vital information retained in the medical care provider server through the

network (Joao: col. 12, lines 57-67; col. 13, lines 1-7 and 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

Joao, however, fails to *expressly* disclose a medical information system comprising:

- (5) second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system according to claim 1, further comprising:

- (5) second and third networks (Jemes: abstract; Fig. 1-4).

Examiner also notes, however, that Joao does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., networks) that are utilized in conjunction with one another (i.e., the systems are networked together) (Joao: col. 13, lines 42-45). As such, Examiner considers a broad yet reasonable interpretation of Joao to also teach Applicant's recitation of multiple networks interconnected within a larger network.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

(B) As per currently amended claim 3, Joao discloses a medical information system according to claim 1, further comprising a sensor for measuring vital data, wherein the vital information includes a measurement value by said sensor (Joao: col. 23, lines 47-61).

(C) As per currently amended claim 4, Joao discloses a medical information system according to claim 1, wherein:

- (1) the said doctor terminal is operable to transmit an inquiry regarding a health status of a patient to said medical care provider server through the network (Joao: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1);
- (2) said medical care provider server is operable to transmit the inquiry received from said doctor terminal to said patient server through the first network (Joao: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1);
- (3) said patient server is operable to transmit the inquiry received from said medical care provider server to said patient terminal through the network (Joao: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1); and

- (4) the vital information transmitted from said patient terminal to said patient server through the network includes a reply to the inquiry transmitted to said patient terminal (Joao: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1).

Joao, however, fails to *expressly* disclose a medical information system according to claim 1, wherein:

- (5) the system comprises second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system according to claim 2, wherein:

- (5) the system comprises second and third networks (Jemes: abstract; Fig. 1-4).

Examiner also notes, however, that Joao does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., networks) that are utilized in conjunction with one another (i.e., the systems are networked together) (Joao: col. 13, lines 42-45). As such, Examiner considers a broad yet

reasonable interpretation of Joao to also teach Applicant's recitation of multiple networks interconnected within a larger network.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

(D) As per currently amended claim 5, Joao fails to *expressly* disclose a medical information system according to claim 1, further comprising:

- (1) a first unauthorized access prevention section provided in the first network;
- (2) a second unauthorized access prevention section provided in the second network;
- (3) a third unauthorized access prevention section provided in the third network; and
- (4) wherein said first and third unauthorized access prevention sections have higher security levels than a security level of said second unauthorized access prevention section.



Nevertheless, these features are old and well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system according to claim 1, further comprising:

- (1) a first unauthorized access prevention section provided in the first network (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4);
- (2) a second unauthorized access prevention section provided in the second network (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4);
- (3) a third unauthorized access prevention section provided in the third network (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4); and
- (4) wherein said first and third unauthorized access prevention sections have higher security levels than a security level of said second unauthorized access prevention section (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

Examiner notes also that Joao teaches the use of various authorization, security and encryption techniques, technologies, and methods (Joao: col. 15, lines 54-58; col. 40, lines 51-60).

(E) As per currently amended claim 6, Joao fails to *expressly* disclose a medical information system according to claim 5, wherein:

- (1) said first unauthorized access prevention section comprises a firewall and a virtual private network;
- (2) said second unauthorized access prevention section comprises a remote access server; and
- (3) said third unauthorized access prevention section comprises a terminal authentication server.

Nevertheless, these features are old and well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system according to claim 5, wherein:

- (1) said first unauthorized access prevention section comprises a firewall and a virtual private network (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4);

- (2) said second unauthorized access prevention section comprises a remote access server (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4); and
- (3) said third unauthorized access prevention section comprises a terminal authentication server (Jemes: abstract; par. [0007] – [0017]; par. [0033] – [0047]; Fig. 1-4).

Examiner notes also that Joao teaches the use of various authorization, security and encryption techniques, technologies, and methods (Joao: col. 15, lines 54-58; col. 40, lines 51-60) and therefore, Joao strongly suggests the aforementioned features above.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

(F) As per currently amended claim 7, Joao discloses a medical information system according to claim 1, wherein the patient server and said medical care provider server are respectively clustered (Joao: abstract; col. 3, lines 33-53; Fig. 1).

(G) As per currently amended claim 8, Joao discloses a medical information system comprising:

- (1) a plurality of patient servers operable to receive vital information, retain the received vital information, and transmit the retained vital information (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);
- (2) a medical care provider server connected to said plurality of patient servers through a first network, said medical care provider server being operable to receive the vital information from said plurality of patient servers through the first network, retain the received vital information and allow the retained vital information to be browsed (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);
- (3) a plurality of patient terminals respectively connected to said plurality of patient servers through a network, said patient terminals being operable to transmit the vital information to said patient server through the network (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1); and
- (4) a doctor terminal connected to said medical care provider server through a network, said doctor terminal being operable to browse the vital information retained in said medical care provider server through the network (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

Joao, however, fails to *expressly* disclose a medical information system comprising:

- (5) second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system comprising:

- (5) second and third networks (Jemes: abstract; Fig. 1-4).

Examiner also notes, however, that Joao does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., networks) that are utilized in conjunction with one another (i.e., the systems are networked together) (Joao: col. 13, lines 42-45). As such, Examiner considers a broad yet reasonable interpretation of Joao to also teach Applicant's recitation of multiple networks interconnected within a larger network.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

(H) As per currently amended claim 9, Joao discloses a medical information system comprising:

- (1) a patient server operable to receive vital information, retain the received vital information, and transmit the retained vital information (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);
- (2) a plurality of medical care provider servers respectively connected to said patient server through a first network, said medical care provider servers being operable to receive the vital information from said patient server through the first network, retain the received vital information, and allow the retained vital information to be browsed (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);
- (3) a patient terminal connected to said patient server through a network, said patient terminal being operable to transmit the vital information to said patient server through the network (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1); and
- (4) a plurality of doctor terminals respectively connected to said plurality of medical care provider serves through a network, said plurality of doctor

terminals being operable to browse the vital information retained in said medical care provider servers through the network (Joao: col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

Joao, however, fails to *expressly* disclose a medical information system comprising:

- (5) second and third networks.

Nevertheless, these features are notoriously well known in the art, as evidenced by Jemes. In particular, Jemes discloses a medical information system comprising:

- (5) second and third networks (Jemes: abstract; Fig. 1-4).

Examiner also notes, however, that Joao does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., networks) that are utilized in conjunction with one another (i.e., the systems are networked together) (Joao: col. 13, lines 42-45). As such, Examiner considers a broad yet reasonable interpretation of Joao to also teach Applicant's recitation of multiple networks interconnected within a larger network.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

(I) New claims 10-17 substantially repeat the same limitations as those of claims 3-6 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

### ***Response to Arguments***

4. Applicant's arguments filed 7/6/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 7/6/2006.

(A) On pages 11-13 of the 7/6/2006 response, Applicant argues that neither Joao nor Jemes disclose a medical information system in which only one server serves a connection node for a healthcare provider device, a healthcare insurer communication device, a patient terminal, and an intermediary communication device. Put another way, Applicant argues that the central processing computer, serving as the single server, connects each of the terminals. Applicant argues further that neither Joao nor



Jemes disclose or suggest that the central processing computer is divided into one server to which only a patient's side's group or network is connected and into another server to which only a healthcare provider's group or network is connected.

In response, Examiner respectfully submits that although Joao does teach a system configuration whereby a central processing computer, as a single server, connects each of the terminals, the Joao and Jemes references suggest a plethora of other system configurations as well. In fact, Joao teaches that in the preferred embodiment any of the computers can be *servers* (Joao: col. 14, lines 49-54). Moreover, both Joao and Jemes teach a system employing a plurality of computers, terminals, systems, networks, firewalls, *ad infinitum*, in various configurations. As such, Examiner considers the teachings of Joao and Jemes, *in toto*, to strongly suggest a vast array of computer system configurations including the configuration claimed by the Applicant.

(B) On page 13 of the 7/6/2006 response, Applicant argues that the combination of Joao and Jemes does not achieve the remarkable effects of the inventions of claims 1 and 8-9 of reducing loads to the respective servers, increasing stability, creating higher flexibility and a high level of security and privacy.

In response, Examiner respectfully submits that the combined teachings of Joao and Jemes do indeed teach the Applicant's claimed invention, as discussed in section 4. (A), *supra*, and therefore, *ipso facto*, achieve the remarkable effects of the invention claimed by Applicant.

(C) On page 13 of the 7/6/2006 response, Applicant argues that a person having ordinary skill in the art at the time of the invention was made would not have been motivated to modify Joao and Jemes in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1 and 8-9.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, one of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Jemes with the teachings of Joao with the motivation of providing a secure system for a plurality of interconnected networks (Jemes: abstract).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

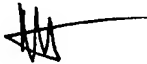
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT



JOSEPH THOMAS  
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